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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

FIRST APPELLATE DISTRICT

DIVISION FOUR

THE PEOPLE,

Plaintiff and Respondent,

v.

BRADLEY TERRANCE WILSON,

Defendant and Appellant.

A122358

(Solano County
Super. Ct. No. VC43333)

Appellant Bradley Terrance Wilson purports to appeal from the extension of his commitment to Napa State Hospital for an additional year, pursuant to Penal Code section 2970 (section 2970) (part of the Mentally Disordered Offender Act (MDOA), Pen. Code, § 2962 et seq.). This latest recommitment followed a court trial on March 19, 2007. The commitment originally commenced in February 2002, after a jury found that appellant met the terms of section 2970. The underlying offense for which appellant was committed was a charge of making a terrorist threat (Pen. Code, § 422) to which appellant had pleaded no contest in 1997. Since his original section 2970 commitment, his commitment has been extended each year.

Appellant's counsel on appeal has filed an opening brief that asks this court to conduct an independent review of the record under *People v. Wende* (1979) 25 Cal.3d 436 (*Wende*), *Anders v. California* (1967) 386 U.S. 738 (*Anders*), and *Conservatorship of Ben C.* (2007) 40 Cal.4th 529 (*Ben C.*).

In *Ben C.*, the California Supreme Court concluded that *Wende* and *Anders* procedures are not mandated in an appeal of a judgment for conservatorship of the person

under the Lanterman-Petris-Short Act (Welf. & Inst. Code, § 5000 et seq.). In *People v. Taylor* (2008) 160 Cal.App.4th 304 (*Taylor*), the Second District Court of Appeal extended *Ben C.* to MDO (mentally disordered offender) proceedings. Like appellant here, in *Taylor* the defendant was ordered committed under the MDOA. (*Id.* at p. 308.) He filed an appeal and his counsel on appeal filed an opening brief that asked the court to conduct an independent review of the record under *Wende*. (*Ibid.*) The court declined the request because *Wende* review is required only when appointed counsel is representing an indigent criminal defendant in his first appeal as a matter of right. (*Id.* at p. 312.) Therefore, the court ruled that *Wende* review is not available for a civil commitment under the MDOA and dismissed the appeal. (*Id.* at pp. 312-313.) Appellant's counsel acknowledges *Taylor* in her brief.

We decline to exercise our discretion to review the record for error. We find the reasoning in *Taylor* to be persuasive and follow it here.

DISPOSITION

The appeal is hereby dismissed.

Ruvolo, P. J.

We concur:

Reardon, J.

Sepulveda, J.